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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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BEN F. JACOBS,

§

Plaintiff,

§

*versus*

§

CIVIL ACTION NO. 1:04-CV-375

HARVEY LAPPIN, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

Plaintiff Ben F. Jacobs, a prisoner currently confined at the United States Penitentiary in Florence, Colorado, proceeding *pro se* and *informa pauperis*, filed this civil action against Harvey Lappin, Ronald G. Thompson, R. D. Miles, Steve Morris, and Ricky Macintosh.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the defendants' motion for summary judgment.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The defendants' motion for

summary judgment is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 10th day of March, 2006.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE